

Return to: City Clerk  
City of Missoula  
435 Ryman Street  
Missoula MT 59802-4297

**RESOLUTION NUMBER \_\_\_\_\_**

**A resolution of intention to annex and incorporate within the boundaries of the City of Missoula, Montana a certain parcel of land described as Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, Principal Meridian Montana (PMM), and set a public hearing on October 5, 2020.**

**LEGAL DESCRIPTION:** Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, PMM, Missoula County, Montana as shown on Exhibit A attached hereto and made a part hereof.

**WHEREAS**, Zootown Investments, LLC, owner of 100% of the property described herein as Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, has filed Petition No. 10024 with the City Clerk requesting annexation and waiving the need to prepare a service plan for the annexation; and

**WHEREAS**, it is the Missoula City Council's decision to consider this petition for annexation pursuant to the statutory annexation by petition method set forth in Title 7 Chapter 2 Part 46 Section 4601 (3)(a)(ii) Montana Code Annotated (MCA); and

**WHEREAS**, the herein described property is within the City of Missoula Wastewater Treatment Facility service area boundary, the facility has current and future capacity to serve the property and development; and the owners/developers will pay all costs to extend the municipal sanitary wastewater facility collector service to the property; and

**WHEREAS**, the municipal sanitary sewer system, water system, police, fire protection, parks and other municipal services are available to the tract described; and

**WHEREAS**, the City Council desires the annexation and zoning of the herein described property be conditioned upon annexation, subject to the following conditions:

Streets, General

1. All street and non-motorized improvements shall be designed and built in accordance with City of Missoula Public Works Standards and Specifications and City of Missoula Subdivision Regulations (except as modified by variance). All plans must comply with Americans with Disabilities Act requirements. All plans must be reviewed and approved by the City Engineer in accordance with City policies.

2. The subdivider shall provide a street naming exhibit to be reviewed and approved by Development Services prior to final plat filing of the first phase.
3. The subdivider shall provide a street signage plan in accordance with the Manual on Uniform Traffic Control Devices to be reviewed and approved by the City Engineer and City Fire Department with installation of approved signs prior to final plat filing of each applicable phase.
4. The following statement shall appear on the face of each plat, in the covenants, conditions, and restrictions, and on each instrument of conveyance:  
"Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future SID/RSID, based on benefit, for the upgrading of streets within this subdivision, including but not limited to paving, curbs and gutters, non-motorized facilities, street widening and drainage facilities."
5. All proposed rights-of-way shall be dedicated to the public on the face of each plat and approved by the City Engineer.
6. All proposed easements, except as modified by these conditions, shall be shown on the face of each plat and identified for their width and purpose, including easements for vehicular and pedestrian access, utilities, and irrigation facilities.
7. The subdivider shall design and install street lighting along Chuck Wagon Drive through the subdivision in accordance with the Missoula Public Works Standards and Specifications Manual. The lighting shall be installed prior to final plat approval of Phase 1 for the southernmost section of Chuck Wagon Drive and Phase 7 for the remainder of Chuck Wagon Drive. Prior to final plat filing of the first phase, the subdivider shall petition to create a new streetlight improvement district.

#### Specific Streets

8. Chuck Wagon Drive through the length of the subdivision shall be improved to Urban Collector half-street standards as proposed including two 10-foot drive lanes, curb and gutter, a 10-foot boulevard, and 5-foot sidewalks within the existing 40-foot wide right-of-way. These improvements shall be completed as shown on the Phasing Plan exhibit and described in the Project Summary.
9. The subdivider shall contribute a proportionate share for improvements to the Chuck Wagon Drive / Mullan Road intersection made necessary by this subdivision. The total amount of \$83,084 shall be paid to the City of Missoula on a per-lot basis prior to final plat filing of each phase.
10. The Remington Flats Phased Subdivision is located within the Mullan BUILD project area and George Elmer Drive, which is proposed to provide access to the subdivision, is planned to be improved as part of the Mullan BUILD project. Federal funds are planned to pay for a portion of the Mullan BUILD improvements. Funding mechanisms are currently being explored to pay for the remainder of the improvements. The funding mechanisms may include, but are not limited to, a special improvement district, impact fee, latecomers fee, or cost share agreements that allow the City of Missoula and Missoula County to recover the cost of constructing infrastructure from the properties that benefit from the Mullan BUILD project. The total amount of the cost to be recaptured via the funding mechanism(s) is not expected to exceed 50% of the actual costs expended by the City of Missoula and Missoula County to complete the Mullan BUILD project. To the extent that such funding mechanism(s) is created in accordance with state law and applicable principles of land use law, the subdivider, successors, and assigns shall participate in and be bound by the fees assessed and not oppose the creation of or participation in such a district.

11. Winchester Drive, Browning Road, Tenderfoot Way, Riata Road, and Remington Drive shall be designed and built to Low Density Urban Local Street standards including two 10-foot drive lanes, 7-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks within 64-foot rights-of-way as proposed.

#### Drainage

12. The subdivider shall submit complete grading and drainage plans prior to final plat approval of each applicable phase showing proposed grades of streets, proposed drainage facilities, and a storm water pollution prevention plan for all lots, blocks, and other areas meeting Montana DEQ standards and subject to approval of the City Engineer. All drainage facilities shall be constructed in accordance with the approved plan and accommodate the planned runoff from all upgradient phases.

#### Transit

13. The subdivider shall petition for the property to be included in the Missoula Urban Transportation District prior to final plat filing of the first phase.

#### Water System and Sewer System

14. The subdivider shall submit plans for water supply and sewage disposal for review and approval of the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of each applicable phase. Construction of all water supply and sewer systems shall be in accordance with City policies.

#### Solid Waste

15. The subdivider shall submit plans for solid waste disposal for review and approval of the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of each applicable phase.

#### Parkland

16. The subdivider shall meet the parkland dedication requirement by providing the monetary value of 1.43 acres of unsubdivided, unimproved, zoned land as required in the City Subdivision Regulations Section 3-080. Prior to final plat filing of each phase, the subdivider shall provide calculations for the total lotted area in that phase, the parkland requirement for that phase, a Summary Appraisal Report establishing the then-current fair market value, and a check for the required amount, to be reviewed and approved by City Council.
17. The subdivider shall submit a boulevard landscaping plan to be reviewed and approved by the City Parks and Recreation Department prior to final plat filing of each applicable phase.

#### Covenants, Conditions, and Restrictions

18. Final covenants, conditions, and restrictions meeting the requirements of City Subdivision Regulations Section 5-020-14.K shall be submitted for review and approval prior to final plat filing of the first phase. The covenants shall require boulevard landscaping in accordance with the approved plan, a prohibition on basements within the subdivision, a prohibition on wood burning devices, and a statement informing lot purchasers of the presence of the subdivision within an airport influence area.

#### Non-Motorized Transportation Facilities

19. The subdivider shall provide five-foot sidewalks along all street frontages and at the proposed location between Lots 127 and 128. All sidewalk plans, including specifications for ADA accessibility and safe street crossings, shall be reviewed and approved by the City Engineering and Parks and Recreation departments prior to final plat filing of each applicable phase. Construction of the non-motorized transportation facilities shall occur as proposed in the application submittal and as required to serve each phase.

#### Fire Protection

20. The subdivider shall provide plans for address signage and a fire hydrant plan for review and approval prior to final plat filing of each applicable phase. All approved fire protection improvements shall be installed in accordance with the approved plans.

#### Noxious Weeds

21. The Weed Management and Revegetation Plan shall be appended to the covenants, conditions and restrictions. The subdivider shall provide evidence of plan implementation and noxious weed control prior to final plat filing of each phase.

#### Airport Influence Area

22. The subdivider shall grant an aviation easement to the Missoula Airport Authority in compliance with the Airport Influence Area Resolution and present evidence of the easement, subject to review and approval of Development Services, prior to final plat filing of the first phase or within two years of City Council approval of annexation, whichever comes first.
23. The Covenants, Conditions, and Restrictions and each final plat shall include the following statement: This property is in the airport influence area and subject to the requirements of the Airport Influence Area Resolution. The Remington Flats Subdivision may also be within an extended approach and departure zone for a proposed second runway as shown in the Airport Authority's 2004 plan and lot owners should be aware of the resultant safety risk. Lot owners should consult the airport layout plan and any relevant documents to determine the status of the proposed runway location at the time of purchase.

#### Zoning

24. The Remington Flats Neighborhood Character Overlay Zoning District shall be adopted concurrent with City Council approval of the subdivision request based on the findings in the rezoning staff report.

**WHEREAS**, the tract described herein is currently zoned C-RR1 Residential in the County and the recommended zoning in the City is RT5.4 Residential in accordance with MCA 76-2-303 (3)(a) and Missoula Municipal Code criterion 20.85.040(l)(2c), it is the intention of the City of Missoula to annex this property with the recommended city zoning. **FURTHER**, the parcel is situated adjacent to City Council Ward Area No. 2 and the Captain John Mullan Neighborhood Council District, and it is the intention of the Council to add this parcel to said Ward and Neighborhood Council District; and

**WHEREAS**, in the judgment of the City Council of the City of Missoula, it is deemed to be in the best interest of the City of Missoula, the inhabitants thereof, and the current and future inhabitants of the tract of land described herein, the owner of which has petitioned for annexation and is within the urban growth

boundary, that the boundaries of the City of Missoula shall be extended to include the same within the corporate limits.

**NOW THEREFORE BE IT RESOLVED** that it is the intention of the City Council of the City of Missoula to incorporate and annex into the City's jurisdictional boundary the herein described property, apply city zoning as stated within, and assign the property to the said Ward and Neighborhood Council District; and

**BE IT FURTHER RESOLVED** that the City Clerk shall, pursuant to Section 76-2-303 and 7-1-4127 MCA, publish in the newspaper of general circulation in the City of Missoula, which newspaper is nearest to the said land being considered for annexation, at least once a week for two successive weeks on 9/20/2020 and 9/27/2020, a notice that such resolution has been duly and regularly passed and that for a period of 15-days after the first publication of the notice, the City Clerk will receive expressions of approval or disapproval in writing of this proposed alteration of the boundaries of the city and zoning until 5:00 p.m. on 10/5/2020 and that a City Council public hearing shall be held Monday, 10/5/2020 at 6:00 p.m. at the regularly scheduled City Council meeting; and

**BE IT FURTHER RESOLVED** that if the city annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the city pursuant to this city annexation resolution or any provision of this resolution is ever held to be invalid or unconstitutional, the City Council hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or the remaining provisions of this resolution. The City Council hereby declares that it would have passed this resolution and annexed each lot(s), parcel(s), block(s) or tracts(s) of land into the city as well as each provision of this resolution irrespective of the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or provision of this resolution may have been declared invalid or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s), block(s), tract(s) of land or any provision of this resolution should be declared invalid or unconstitutional, then the annexation of the remaining lot(s), parcel(s), block(s) or tracts(s) of land and resolution provisions are intended to be and shall be in full force and effect as enacted by the City Council.

**PASSED AND ADOPTED** this 14<sup>TH</sup> day of September, 2020.

**ATTEST:**

**APPROVED:**

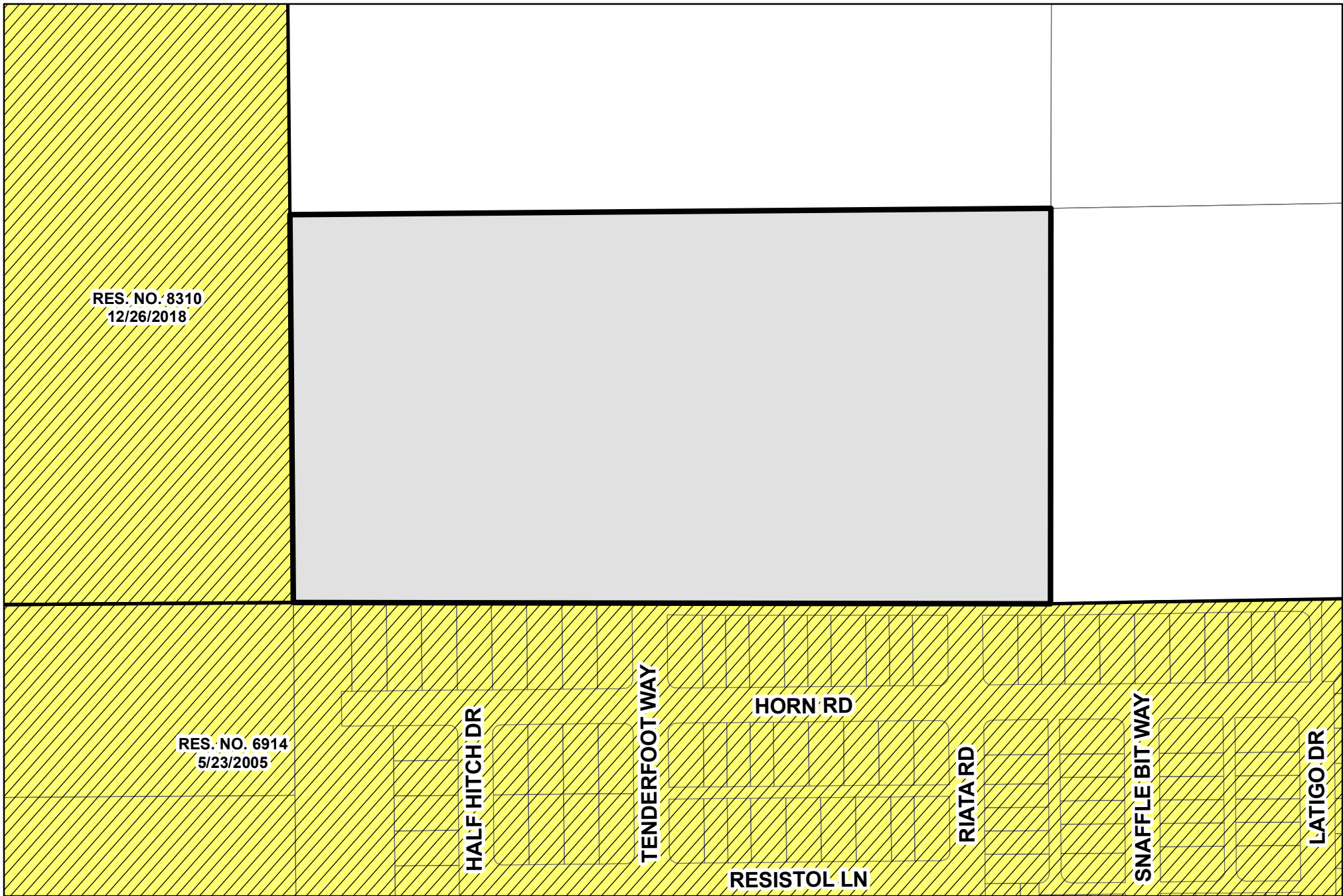
---

Martha L. Rehbein, CMC  
City Clerk

---

John Engen  
Mayor

(SEAL)







### Tract 9 Certificate of Survey 3176

All Located in Section 12, T.13 N., R.20 W., P.M.M.

Prepared by: CITY OF MISSOULA GIS SERVICES

## Exhibit 'A'

#### Legend

-  Proposed Annexation
-  Annexation Resolutions
-  Parcel Boundaries
-  City Limits